

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

RAYMOND SMITH,

Plaintiff,

v.

**STATE FARM FIRE AND CASUALTY
COMPANY,**

Defendant.

**CASE NO:
7:24-cv-104-WLS**

ORDER

Before the Court is Plaintiff's Motion for Leave to Amend the Complaint (Doc. 12) ("Motion to Amend"), filed on November 25, 2024. Therein, Plaintiff moves the Court to allow him to submit an amended complaint for the purpose of removing Count I of the initial Complaint (Doc. 1-2 at 2–7), which alleges a claim for bad faith failure to settle.¹

In the Eleventh Circuit, "there is a strong policy of determining cases on their merits." *Valdez v. Feltman (In re Worldwide Web Sys.)*, 328 F.3d 1291, 1295 (11th Cir. 2003). Unless there is a substantial reason to deny leave to amend, a district court should grant a motion to amend. *Burger King Corp. v. Weaver*, 169 F.3d 1310, 1319 (11th Cir. 1999); *see* Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave when justice so requires."). Here, Plaintiff states that the Parties have conferred, and that Defendant does not oppose Plaintiff's Motion to Amend and will not be prejudiced should the Court grant leave to amend. (Doc. 12 at ¶¶ 2–3, 5).

Accordingly, Plaintiff's Motion to Amend (Doc. 12) is **GRANTED**. Plaintiff is hereby **ORDERED** to file his Amended Complaint **within fourteen (14) days** of the entry of this Order, or **by no later than Wednesday, December 18, 2024**.

Furthermore, the filing of an amended complaint supersedes the original complaint. *See e.g., Lee v. Correct Care Sols., LLC*, No. CV 119-012, 2019 WL 5390000 (S.D. Ga. Oct. 21,

¹ The Court notes that a previous Order (Doc. 10) granting Plaintiff's Motion for Extension of Time (Doc. 9) to respond to Defendant's Motion to Dismiss simultaneously extended the time within which Plaintiff could amend his complaint as of right under Rule 15(a)(1). *See* Fed. R. Civ. P. 15(a)(1)(B) ("A party may amend its pleading once as a matter of course [. . .] 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier."). Thus, Plaintiff could have filed an amended complaint, without first obtaining the Court's permission, through December 2, 2024.

2019). As a result, upon the filing of Plaintiff's Amended Complaint, Defendant's Motion to Dismiss (Doc. 6) and Motion for Hearing (Doc. 7) are **DENIED, WITHOUT PREJUDICE, AS MOOT.**

SO ORDERED, this 4th day of December 2024.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT